

**A-6423**  
**Special Permit Request**

Install an external air conditioner in the front  
(Grove Street) yard of the property.

Ms. Julia Anne Matheson &  
Mr. Timothy M. Slagle  
5500 Kirkside Drive

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CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
OCTOBER 14, 2013 MEETING

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STAFF INFORMATION REPORT

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TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 10/9/2013

SUBJECT: HEARING OF CASE NO. A-6423 SPECIAL PERMIT REQUEST  
MS. JULIA ANNE MATHESON AND MR. TIMOTHY M. SLAGLE, 5500 KIRKSIDE DRIVE  
INSTALL AN EXTERNAL AIR CONDITIONER IN THE FRONT (GROVE STREET) YARD OF THE  
PROPERTY.

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**Case Synopsis:** The Village Code stipulates that no air conditioner shall be placed in the front yard of any property. The "front yard" is defined as "[t]he area located between the front lot line and the front main building line ...". As a corner property, the Grove Street yard is a front yard as well. The main building line of the house is the brick wall behind the ancillary sunroom and thus the proposed air conditioner is technically forward of the "front main building line". Accordingly a special permit is requested.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

**The Chevy Chase Village Code § 8-23 (c) states:**

No person shall install an external air conditioner, heat pump or generator within seven (7) feet of any side lot line or rear lot line nor in the front yard of any property without a special permit from the Board of Managers.

APPLICABLE COVENANTS:

*"That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises." The outside faces of the unit are located twenty-eight (28) feet from the Kirkside Drive (front) and twenty-six (26) feet from the Grove Street (front) lot lines; hence there is no covenant setback issue.*

FACTUAL AND BACKGROUND INFORMATION:

The property is on the northwest corner of Kirkside Drive and Grove Street.

The proposed unit is twelve (12) inches deep and would be located twelve inches from both the sunroom wall and the fence that encloses the Grove Street yard.



Figure 1: View of 5500 Kirkside Drive. The proposed air conditioner would be located behind the fence (and the panda).



Figure 2: View of the Grove Street (front) yard. The proposed air conditioner would be located behind the fence.





Figure 3: View within the fenced Grove Street yard of the proposed location of the air conditioner.

The Village arborist has assessed the property. There are no tree protection concerns related to the installation of the air conditioner.

To date one letter has been received stating no objection to the location of the proposed air conditioner.

Applicable Fees: Building Permit Application: \$50; Special Permit Application Fee: \$300; TOTAL: \$350.

#### RELEVANT PRECEDENTS:

Most of the cases for which special permits have been granted for the installation of an external air conditioner in the front yard have been at properties where the equipment was installed in a front yard that acts effectively as a "side" yards. Examples are: 101 East Melrose Street (in the Brookville Rd. front yard) in 1996; 20 Oxford Street (in the Brookville Rd. front yard), in 2002; 26 Oxford Street (in the Brookville Rd. front yard) in 2007; 5403 Center Street in the front (Grove Street extended Buffer Area) yard of the property in 2008; 5810 Connecticut Avenue (in the West Irving Street front yard), in 2011 (a retroactive special permit to maintain an air conditioner that had been replaced without the applicable permit); 5501 Kirkside Drive (the Western Avenue front yard) similarly a retroactive request to maintain an air conditioner that had been installed without the applicable permit having been obtained.



**FINDINGS REQUIRED:**

1. The proposed special permit would not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties;
  2. The proposed special permit can be granted without substantial impairment of the intent and purpose of this chapter; and
  3. For all special permits, except for special permits authorized by Sections 8-22, 8-26 or Chapter 25 of the Village Code, the structure authorized by the proposed special permit would not violate any covenant applicable to the property [not applicable in this case].
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**Draft Motions**

I move to direct staff to draft a decision APPROVING/DENYING the special permit request in Case A-6423, to install a install an external air conditioner in the front (Grove Street) yard of the property, based on the findings that ...

**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 14<sup>th</sup> day of October, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6423  
MS. JULIA ANNE MATHESON &  
MR. TIMOTHY M. SLAGLE  
5500 KIRKSIDE DRIVE  
CHEVY CHASE, MARYLAND 20815**

The applicants seek a special permit from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to install an external air conditioner in the front (Grove Street) yard of the property.

**The Chevy Chase Village Code § 8-23 (c) states:**

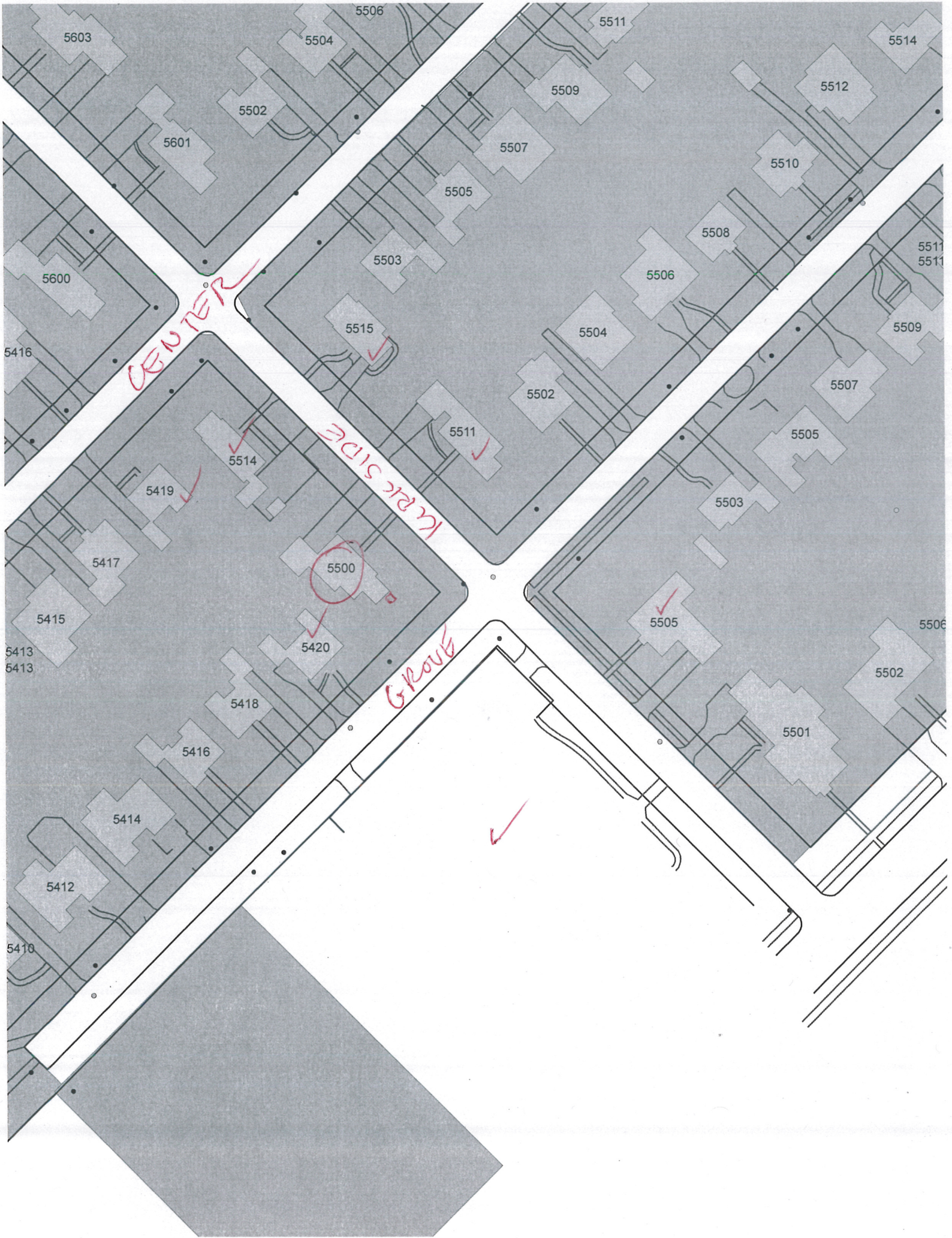
No person shall install an external air conditioner, heat pump or generator within seven (7) feet of any side lot line or rear lot line nor in the front yard of any property without a special permit from the Board of Managers.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or you may contact the office for this information to be mailed to you.

This notice was emailed (where possible) and mailed to abutting and confronting property owners on the 1<sup>st</sup> day of October, 2013.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**








**MAILING LIST FOR APPEAL A-6423**

**MS. JULIA MATHESON &  
MR. TIMOTHY M. SLAGLE  
5500 KIRKSIDE DRIVE  
CHEVY CHASE, MD 20815**

<b>Adjoining and confronting property owners</b>	
Ms. Elizabeth King & Mr. Stephen Jung Or Current Resident 5419 Center Street Chevy Chase, MD 20815	Mr. & Mrs. Martin Dagata Or Current Resident 5514 Kirkside Drive Chevy Chase, MD 20815
Ms. Julie Herowitz & Mr. Ian Wallace Or Current Resident 5515 Kirkside Drive Chevy Chase, MD 20815	Mr. & Mrs. Michael Blommer Or Current Resident 5511 Kirkside Drive Chevy Chase, MD 20815
Mr. & Mrs. David Winstead Or Current Resident 5505 Kirkside Drive Chevy Chase, MD 20815	Mr. & Mrs. Jay Treadwell Or Current Resident 5420 Grove Street Chevy Chase, MD 20815
Mr. Judson Cottrell Or Current Facilities Manager Church of Jesus Christ of the Latter Day Saints Or Current Occupant PO Box 7160 Fairfax Station, VA 22039	

  
I hereby certify that a public notice was mailed to the aforementioned property owners on the 1<sup>st</sup>  
day of October, 2013.

**Ellen Sands  
Permitting and Code Enforcement Coordinator  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815**

# CHEVY CHASE VILLAGE

ESTABLISHED 1890

October 1, 2013

Ms. Julia Matheson &  
Mr. Tim Slagle  
5500 Kirkside Drive  
Chevy Chase, MD 20815

Dear Ms. Matheson & Mr. Slagle:

Please note that your request for a special permit to install an external air conditioner in the front (Grove Street) yard at your property is scheduled before the Board of Managers on Monday, October 14, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

Should the Board approve your request for a variance to construct the proposed work, all applicable permits from the Village and Montgomery County must be obtained prior to commencing the work. For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands  
Permitting and Code Enforcement  
Chevy Chase Village

Enclosures

## CHEVY CHASE VILLAGE

5906 Connecticut Avenue  
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

[ccv@montgomerycountymd.gov](mailto:ccv@montgomerycountymd.gov)

[www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov)

## BOARD OF MANAGERS

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*Vice Chair*

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VILLAGE MANAGER  
SHANA R. DAVIS-COOK

LEGAL COUNSEL  
SUELLEN M. FERGUSON

**Chevy Chase Village**

**Building Permit Application for Air Conditioning Units,  
Heat Pumps, Generators and Geothermal Wells**

*These mechanical units are regulated by Chevy Chase Village Code Section 8-23(c).*

Permit No: 6423

Property Address: 5500 Kirkside Drive

Resident Name: Tim Slagle / Julia Matheson

Daytime telephone: 301-652-0642

Cell phone: 202-607-4770

After-hours telephone: 301-652-0642

E-mail: slagle@slagle.org

**Primary Contact for Project:**

☒ Resident

☐ Architect

☐ Project Manager

☐ Contractor\*

\*MHIC/MD Contractor's License No. (required):

Primary Contact Information: (see above)

Name:

Daytime telephone:

After-hours telephone:

E-mail:

**Check all that apply:**

☐ Air Conditioning Unit [ \_\_\_\_ # unit(s)]

☒ Heat Pump(s) [ 1 # unit(s)]

Is this heat pump a geothermal/geoexchange or ground source heat pump? ☐ Yes ☒ No

If yes, how many wells will be drilled?

☐ Generator(s) [ \_\_\_\_ #unit(s)]

**Check all appropriate boxes:**

Mechanical unit is: ☒ new;

☐ an enlargement of an existing unit; and/or

☐ being relocated.

☐ Mechanical unit is a replacement in-kind and in the same location.

**Description of type and location of mechanical unit(s) to be installed:**

Mitsubishi MXZ-3824NA ductless split outdoor unit, to be installed  
on the Grove St. side of our sun porch right behind our fence.

*To be completed by Village staff:*

Is this property within the historic district?

Yes ☐

No ☒

Staff Initials: 99

Date application filed with Village: 9/20/13

Date permit issued: \_\_\_\_\_

Expiration date: \_\_\_\_\_



### Excerpt from the Chevy Chase Village Code:

**Sec. 8-4. Residential building permits.** [...] Any person intending to construct any of the following must, after obtaining a valid County building permit, obtain a building permit from the Village: [...] (6) Construction or installation of an external antenna, air conditioner or heat pump, including the replacement of any external air conditioner or heat unit, which is a developmental nonconformity (see sections 8-20 and 8-23);

**Sec. 8-20. Developmental nonconformities.**

(a) [...] An external air conditioner, heat pump or generator which is located so that it is a developmental nonconformity may not be replaced, unless the Board of Managers grants a variance.

**Sec. 8-23. Tennis courts, antennae, air conditioners, heat pumps and generators.**

(c) *Air conditioners, heat pumps and generators.* No person shall install an external air conditioner, heat pump or generator within seven (7) feet of any side lot line or rear lot line nor in the front yard of any property without a special permit from the Board of Managers. All external air conditioners, heat pumps and generators must comply with the noise control provisions and building regulations of the county.

**Cross reference(s)**--Fine for violation of this section, ' 6-3(a)(12).

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## Building Permit Application for Air Conditioning Units, Heat Pumps, Generators and Geothermal Wells: Filing Requirements

*Application will not be reviewed until the application is complete*

- ☐ Copy of stamped approved plans & permits from Montgomery County.
- ☒ This application form, signed by resident.
- ☐ Boundary Survey
- ☒ Site Plan (see: Village Site Plan Checklist to ensure completeness) showing exact location of units
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☒ Filing Fee (due at time of application). Fee schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

*Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.*

*If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.*

*No signs advertising any service provider may be posted on the work site.*

**I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.**

**Applicant's Signature:** Timothy M. Hyle / [Signature] **Date:** 9/20/13

For Use By Village Manager	Application approved with the following conditions:
<b>DENIED</b> SEP 20 2013 Chevy Chase Village Manager	Application denied for the following reasons:
	<i>Denial: The proposed unit would be located in the front yard.</i>

<b>Filing Fees</b> (due when application submitted)	<b>Checks Payable to:</b>	<b>Chevy Chase Village</b> <b>5906 Connecticut Ave.</b> <b>Chevy Chase, MD 20815</b>
Permit Application Fee: <i>check # 3526</i> <input checked="" type="checkbox"/> \$50.00 (if mechanical unit is new, enlarged or relocated) <input type="checkbox"/> \$25.00 (if mechanical unit is a replacement in-kind and in the same location)		
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project		
TOTAL Fees: <i>\$50.00</i>	Date: <i>9/23/13</i> Staff Signature: <i>[Signature]</i>	
<b>Damage Deposit/Performance Bond</b> <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Village Manager Signature:	

For Village Staff use:

Field file for inspections by Code Enforcement Officer has been created: ☐ Yes (Date: \_\_\_\_\_)

## Chevy Chase Village

# Application for a Special Permit

*Chevy Chase Village Code Section 8-1(aa) defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.*

Subject Property: 5500 Kirkside Drive, Chevy Chase Village	
Describe the Proposed Project: Install a new Mitsubishi MX2-3824NA split outdoor unit on the Grove St. side of our sun porch	
Applicant Name(s) (List all property owners): Tim Slagle & Julia Matheson	
Daytime telephone: 301-652-0642	Cell: 202-607-4770
E-mail: slagle@slagle.org	
Address (if different from property address):	
For Village staff use:	
Date this form received: 9/20/13	Special Permit No: A-6423

### Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Special Permit (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☒ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☒ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☒ Copy of Covenants, except for special permits authorized by Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☒ Applicable special permit fee listed in Chapter 6 of the Village Code.

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this special permit request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Timothy M. Slagle

Date: 9/20/13

Applicant's Signature: [Signature]

Date: 9/20/2013



**Describe the basis for the special permit request** (attach additional pages as needed):


Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

(see attached sheet)

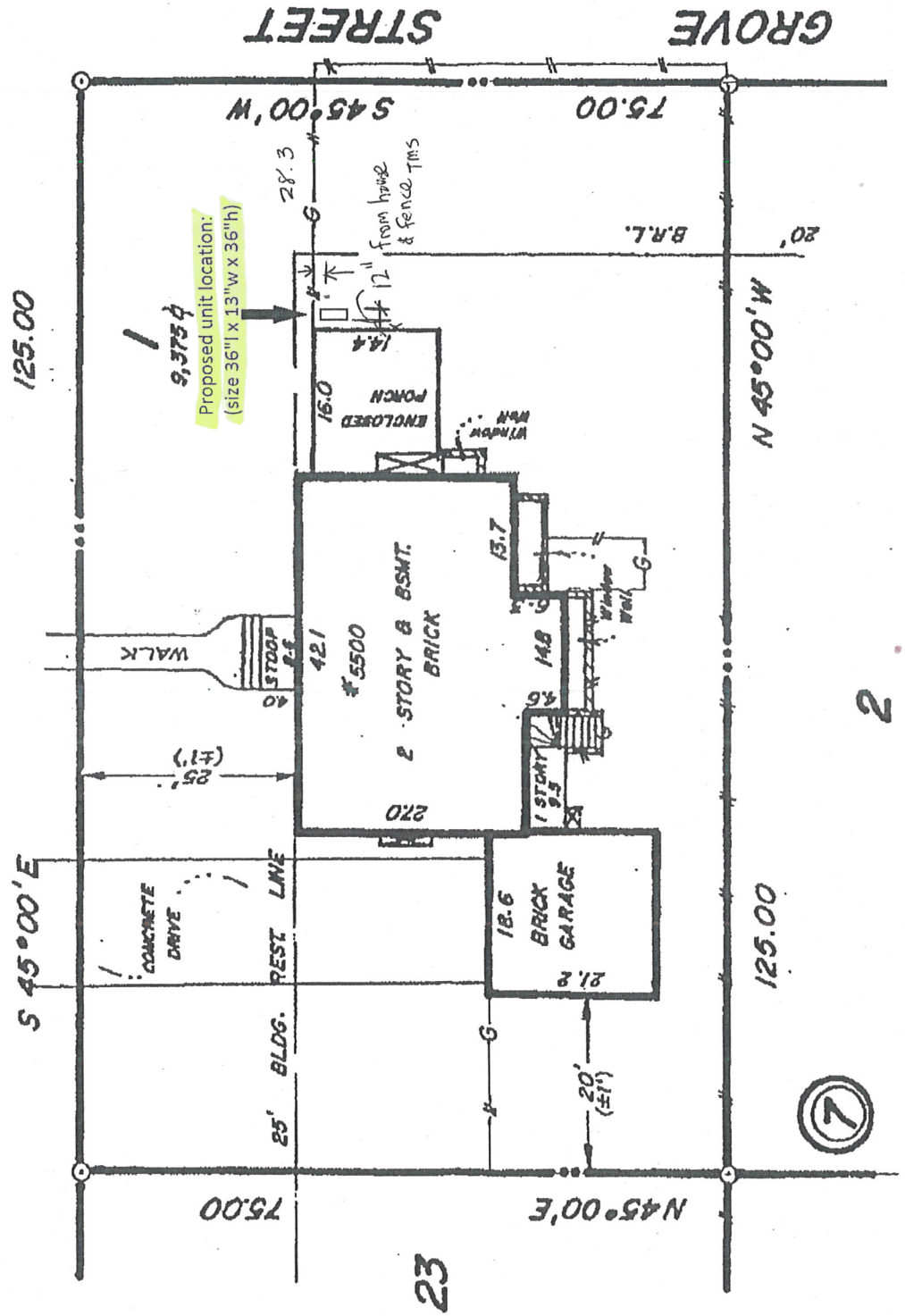
Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

(see attached sheet)

*In exercising its powers in connection with a special permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.*

<b>Special Permit Filing Fees</b>	<b>Checks Payable To:</b> <b>Chevy Chase Village</b> <b>5906 Connecticut Ave.</b> <b>Chevy Chase, MD 20815</b>
<i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$2,250.00 for demolition of main building. <input type="checkbox"/> \$300.00 for demolition of accessory building or structure. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <b>Fee Paid:</b> \$300 check #3527	<b>Date Paid:</b> 9/20/13 <b>Staff Signature:</b> 
	<b>Approved to Issue Building Permit per Board Decision</b> <b>Signed by the Board Secretary on:</b>  <b>Date:</b> _____  <b>Signature:</b> _____ <b>Village Manager</b>

DRIVE



Tim Slagle & Julia Matheson, 5500 Kirkside Drive, 9/23/2013

We wish to install the outdoor compressor unit of our new ductless split air conditioning system on the Grove Street side of our sun porch, in the corner between the porch and our existing fence. Compared to one possible conforming location on the Kirkside Drive side of the porch, this location would not be visible from Kirkside Drive or Grove Street because it is behind the fence.

Compared to the other possible conforming location in back of our house, this location minimizes the visibility of the coolant lines, which would otherwise have to be routed up and over two doorways. This location also moves the noise from the compressor away from our backyard sitting area, and our neighbor's back yard as well.

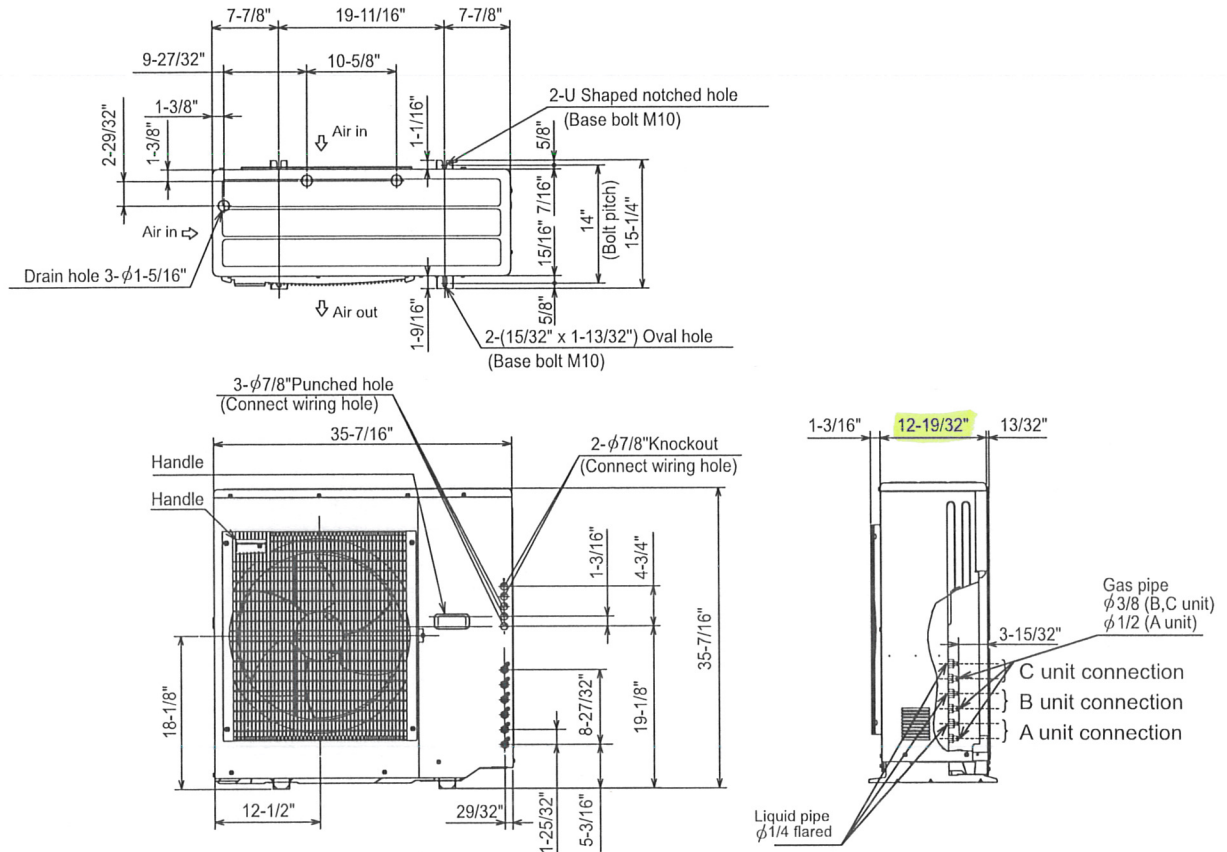
The requested location fits the intents and purposes of the Chevy Chase Village Code by minimizing both the adverse changes to the character of the property (by minimizing visibility of the compressor and coolant lines), and the adverse effects on our neighbor's use and enjoyment of their property (by moving the noise source away from their backyard living space). In addition, the location does not pose a safety concern, block any vistas or air circulation, or decrease Village green space.

Thank you for considering our request.



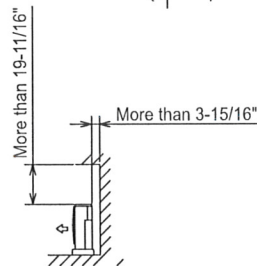
**MXZ-3B24NA**  
**MXZ-3B30NA**

Unit: inch

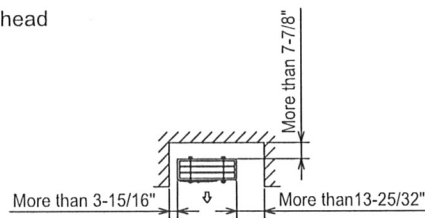


## 1. Installation space

Note : Leave front and both sides free of obstruction.



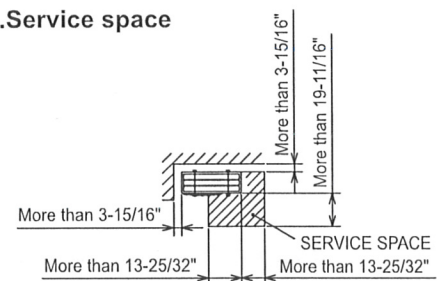
Note : Leave front and overhead free of obstruction.



Note : Leave rear, overhead and both sides free of obstruction.



## 2. Service space



# Landtech Associates Inc.

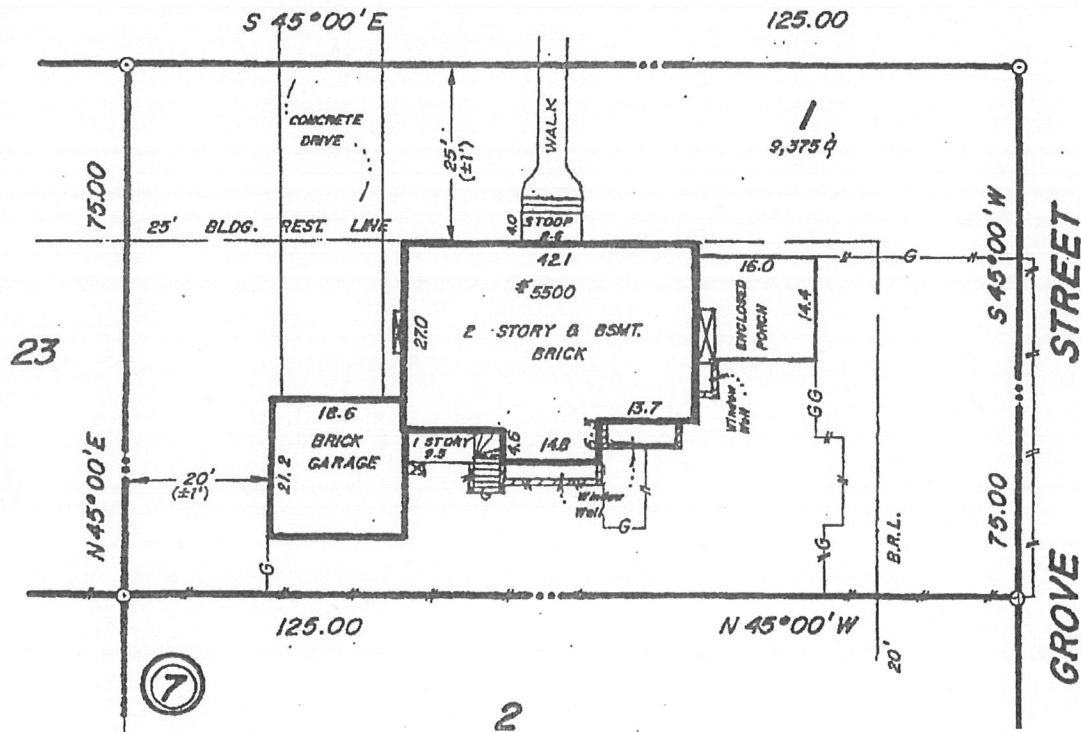
10260 Old Columbia Road Rivers Center-Suite J

Columbia, MD 21048

Phone: 410-290-8099 Fax: 410-290-8299

NOTE: NOT TO BE USED FOR ISSUANCE OF PERMITS

## KIRKSIDE DRIVE



- 1) This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
- 2) This plat is not to be relied upon for the establishment or location of fences, porches, buildings or other existing or future improvements.
- 3) This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
- 4) No title report furnished.
- 5) Property line survey recommended to determine the exact location of improvements and/or encroachments, if any.
- 6) Property subject to any / all rights-of-way, easements, and / or covenants of record and / or imposed by law.

Certification: This is to certify that the improvements indicated hereon are located as shown.



*Graden A. Rogers*  
GRADEN A. ROGERS - Propri. L.S. MD. Lic. No 119

LIBER:	FOLIO:	
LOT: 1	BLOCK: 7	SECTION: 1-A PLAT:
PLAT ENTITLED: CHEVY CHASE		
RECORDED IN: MONTGOMERY COUNTY		
PLAT BOOK: 4	PAGE:	PLAT NO. 349
5500 KIRKSIDE DRIVE		SCALE: 1" = 20'
		CASE NO:
		DATE: 2-4-08
		JOB NO: LT208018G

To Have and to Hold the said piece or parcel of ground and premises above described or mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the only proper use, benefit and behoof forever of the said Ralph C. Meima and Grace L. Meima, his wife.

And the said party of the first part covenants that she will warrant specially and generally the property hereby conveyed; that she seized of the land hereby conveyed; that she has a right to convey said land; that the said parties of the second part shall quietly enjoy said land; that she has done no act to encumber said land; and that she will execute such further assurances of said land as may be requisite.

Witness her hand and seal.

Test: Callie M. Reese (Seal)  
Helen B. Welch (Internal Revenue \$9.90)  
(State Tax \$9.00)

District of Columbia, ss:

I Hereby Certify that on this 5th day of December 1945, before the subscriber, a Notary Public personally appeared Callie M. Reese, and did each acknowledge the foregoing deed to be her act.

In Testimony Whereof I have affixed my official seal this 5th day of December A. D. 1945.

Helen B. Welch  
Helen B. Welch  
Notary Public  
District of  
Columbia

EXAMINED

*Thomas F. Jones & Co.*  
*Wash. D. C.*

4-16-46

At the request of Thomas F. Jones, Incorporated, the following Deed was recorded January 10th A.D. 1946 at 1:09 o'clock P. M. to wit:-

This Deed made this 3rd day of January in the year one thousand nine hundred and forty-six by and between The Chevy Chase Land Company, of Montgomery County, Maryland, (a corporation duly organized under and by virtue of the laws of the State of Maryland), party of the first part, and Thomas F. Jones, Incorporated, a Corporation duly organized under and by virtue of the laws of the State of Delaware, party of the second part:

Witnesseth, that the said party of the first part, for and in consideration of the sum of Forty Thousand (\$40,000.00) Dollars to it paid by the said party of the second part, and of the covenants and agreements of the said party of the second part as hereinafter set forth, does hereby grant and convey unto the said party of the second part, in fee simple, the following described land and premises, with the improvements, easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:

Lots numbered Four (4) to Seven (7) both inclusive, Lots numbered Seventeen (17) to Twenty-four (24) both inclusive, in Block numbered Five (5) Lots numbered One (1) to Twelve (12) both inclusive, in Block numbered Seven (7) all in a subdivision known as "Section 1-A, Chevy Chase, in Montgomery County, Maryland, as per plat recorded in Plat Book No. 4, plat 349, one of the Land Records for said Montgomery County.

Subject to the building restriction lines shown on said recorded plat.

Subject to a five (5) foot reservation across the rear of said Lots in Block 5 of Caption, as shown on said recorded plat.

Subject to right-of-way dated November 6, 1942 and recorded March 12, 1943, in Liber 904 at folio 232.



It is hereby expressly understood and agreed by and between the parties hereto; their respective successors, heirs, personal representatives and assigns, that the general plan of subdivision of which the land and premises hereby conveyed is a part, embraces only and is limited to the area contained in and covered by the subdivision known as "Section One-A, Chevy Chase", Montgomery County, Maryland, and further that no covenant, restriction or condition whether or not herein contained shall apply to, charge or affect lots in Block 6 and 11 of the said subdivision, and that no objection will be raised to the rezoning of said blocks 6 and 11, for commercial purposes.

It is hereby understood and agreed that no building shall be erected on the land hereby conveyed unless and until the plans of the elevations, the design and color scheme thereof, as well as the location of said building on said land shall be first approved in writing by The Chevy Chase Land Company of Montgomery County, Maryland, or its successors.

In evidence of its acceptance of the foregoing and following covenants and restrictions for itself, its successors and assigns, the said party hereto of the second part has hereunto set its hand and seal.

To Have and to Hold the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said party of the second part, in fee simple.

In Consideration of the execution of this Deed, the said party of the second part, for itself, its successors and assigns, hereby covenants and agrees with the party of the first part, its successors and assigns (such covenants and agreements to run with the land,) as follows, viz:

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage-houses, sheds or other outbuildings, for use in connection with such residences, and that no trade business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed or outbuilding shall be erected, except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than Seventy-five Hundred (\$7,500.00) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10)<sup>ten</sup> feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lot or square, or part of a lot or square in the Section of the Subdivision of which the land hereby conveyed forms a part).

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In Testimony Whereof, on the day and year first hereinbefore written, the said The Chevy Chase Land Company, of Montgomery County, Maryland has caused these presents to be signed with its corporate name by Wm. Sharon Farr, its Vice-President attested by Frank I. Greenwalt, its Assistant Secretary, and its corporate seal to be hereunto affixed and does hereby constitute and appoint Frank I. Greenwalt its true and lawful Attorney-in-fact



for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment, and to deliver the same as such.

Attest:

Frank I. Greenwalt

Asst. Secretary

The Chevy Chase

Land Co., of Mont-

gomery Co., Maryland

The Chevy Chase Land Company

of Montgomery County, Maryland

By:

Wm. Sharon Farr

Vice-President

Attest:

Wm J. Wohlfarth

Thomas F. Jones

Inc., Delaware

Thomas F. Jones, Incorporated

By:

Thomas F. Jones

President

1939 (Internal Revenue \$44.00)

(State Tax \$40.00)

District of Columbia, to wit:

I, Myrtelle Gordon Gemeny, a Notary Public in and for the said District of Columbia, do hereby certify that on this 3rd day of January 1946, Frank I. Greenwalt, who is personally well-known to me to be the person named as Attorney-in-fact in the foregoing and annexed Deed, dated the 3rd day of January 1946, to acknowledge the same, personally appeared before me in the said District of Columbia, and as Attorney-in-fact as aforesaid, and by virtue of the power and authority in him vested by the aforesaid Deed, acknowledged the same to be the act and deed of the said The Chevy Chase Land Company, of Montgomery County, Maryland and delivered the same as such.

Given under my hand and seal this 3rd day of January, A. D. 1946.

Myrtelle Gordon Gemeny

Myrtelle Gordon Gemeny

Notary Public, D. C.

Notary Public

My Commission Expires

District of

March 18, 1948

Columbia

EXAMINED

*Grant*

*4605 Langdon Lane*  
*Ch. Ch. S. Ma*

*4-16-46*

At the request of John W. Thompson, Jr., and Muriel W. Thompson, the following Deed was recorded January 10th, A. D. 1946, at 1:09 o'clock P.M. to wit:- A-2680

This Deed made this 7th day of January in the year of our Lord one thousand nine hundred and forty-six by and between Hans Olav and Aase Olav, his wife, tenants by the entirety, parties hereto of the first part, and John W. Thompson, Jr., and Muriel W. Thompson, his wife, parties hereto of the second part:

Witnesseth, that in consideration of the sum of Ten (10) Dollars, lawful money of the United States, the said parties of the first part do grant and convey unto the said parties of the second part, in fee simple, as tenants by the entirety, all that piece or parcel of ground, with the improvements, easements and appurtenances thereunto belonging, situate, lying and being in Montgomery County, State of Maryland, being the same land which the said parties of the first part as tenants by the entirety, obtained from Webster Ballinger and wife, by deed dated the 26th day of January 1945 recorded among the Land Records of said County in Liber No 961, at folio 94, and being described as follows, to wit:

Part of a tract of land called "Oatland", described as follows:-

Beginning for the same at an iron pin at the end of 178.45 feet on the second line of a conveyance made the 14th day of July, 1911 by John F. A. Becker to Rosamond W. Hunt and recorded in Liber No. 222, at folio 290, one of the Land Records of Montgomery County, Maryland, and running thence with said conveyance and the second line thereof, South

Chevy Chase Village

## Website Posting Notice

### for Appeal, Special Permit & Variance Hearings

Case Number:

A-6423

Hearing Date:

October 14, 2013

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name:

Tim Slagle / Julia Matheson

Address:

5500 Kirkside Drive, Chevy Chase MD 20815

Telephone:

301-652-0642

E-mail:

slagle@slagle.org

Applicant/Appellant Signature:

Timothy M. Slagle Julia Matheson

Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: CB

Date: 9/20/13